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ANNUAL MEETING OF THE ILLINOIS BRANCH.

CHESTER G. VERNIER.

The second annual meeting of the Illinois State Society of the American Institute of Criminal Law and Criminology was held April 8th and 9th, 1913, at Springfield, in the rooms of the Board of Pardons at the State House. By agreement with the Illinois State Bar Association, the meetings of that Association and the Illinois Branch were both held at the State House on the same days, the programs being so arranged that the more important papers were read at different hours. By this arrangement it was hoped to promote a feeling of mutual helpfulness. By the courtesy of the secretary of the Bar Association, programs of the two meetings were sent out in the same envelope to all members of the Bar Association and to 1,500 lawyers who are not members. In addition the officers of the Bar Association voted to extend to the Illinois Branch the privilege of five pages in the annual report of the Bar Association to be used in setting out a brief history of the Illinois Branch and in giving a brief resumé of the proceedings of the annual meeting. This attempt to foster a closer relationship between the two societies, though not resulting in complete success, was so far successful that it is hoped that the experiment may be repeated next year with some slight modifications.

One of the papers read at the second annual meeting is published in this issue of the Journal. The purpose of this article is to set forth very briefly the work of the Illinois Branch during the past year, with a brief resumé of the discussion and action taken at the Springfield meeting.

At the first annual meeting held in Chicago in May, 1912, Judge Orrin N. Carter of the Supreme Court, was elected president of the Illinois Branch for the ensuing year. At the summer meeting of the national organization held in Milwaukee, Judge Carter was selected for the presidency of the national organization. Judge Carter, thereupon, resigned the presidency of the Illinois Branch, maintaining, however, an active interest in its success. By action of the executive council Judge William N. Gemmill, of the Chicago Municipal Court was elected president of the Illinois Branch to fill the unexpired term.

The first session of the society was called to order at 3:00 p. m., Tuesday, April 8th, by the president, Judge Gemmill, who read the president's annual address. The subject of the address was, "What is wrong with the administration of our Criminal Law." After mention of

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some of the diverse views of others upon this problem reference was made to the vast amount of misinformation current in America, especially as to the English administration of criminal law. It is not generally known that the prison population of England and Wales is greater than our own, although we have twice the number of inhabitants; that the percentage of judgments set aside by the new English Court of Criminal Appeals exceeds that of the Supreme Court of Illinois and of any other court of last resort in the United States; and that English judges as a whole have had no larger training and experience, and are no more efficient than judges in Illinois. It is true, however, that crime is more prevalent here, and that as many murders are committed annually in Chicago as in the whole of England and Wales. Various reasons for England's greater success in criminal administration were then discussed, followed by a detailed notation of the gaps in American administration, by which at least fifty per cent of the worst offenders elude justice in Chicago, with suggestions as to the manner of closing these gaps. Very briefly these gaps exist because of:

1. The nature of our political structure and the dislike of our people for puritanism and restraint. Result, a lack of efficiency, unity and effort.

2. The "nolle pros" abuse. Twenty-one per cent of the 21,296 persons arrested on criminal charges in Chicago in 1911 escaped in this way. Remedy—require the consent of the court to such dismissals.

3. Abuse of probation. Remedy—provide for a systematic investigation of every case by properly commissioned officers to guide the judge.

4. Inefficiency of the grand jury. In 1911 the grand jury in Chicago released without a hearing twenty-eight per cent of those held on felony charges. Remedy—abolish the grand jury.

5. Release of prisoners on writ of error, many of whom are never followed up. Remedy—avoid congestion of criminal dockets by designating one branch of the appellate court in Chicago for review of criminal cases, holding daily sessions and giving short opinions.

6. Abuse of habeas corpus. There are more releases in Cook county in one month than in England and Wales in five years. Remedy—follow the law as laid down in *People v. Zimmer*, 252 Ill. 9.

Following the address of the president reports of standing committees were called for. The present list of standing committees with names of chairmen is as follows:

1. Criminal Statistics—Professor J. W. Garner, University of Illinois, Urbana.

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2. Indeterminate Sentence—C. A. Purdunn, member board of managers, Illinois State Reformatory, Marshall.

3. Criminal Procedure—Professor W. W. Cook, University of Chicago Law School, Chicago.

4. Industrial Education (for Juveniles)—Frank M. Leavitt, Associate Professor of Industrial Education, University of Chicago, Chicago.

5. Defective Delinquents (Adults)—Wm. N. Gemmill, Judge Municipal Court, Chicago.

6. Juvenile Delinquents—Clyde E. Stone, Judge County Court, Peoria.

7. Legislative Committee—Col. Nathan William MacChesney, Chicago.

A brief resumé of some of the reports is given below.

Prof. J. W. Garner, chairman of the committee on criminal statistics explained the work of that committee. He discussed the new law by which a state bureau of criminal statistics has been created to act under the direction of the Board of Charities and Corrections. This law follows the draft of a bill discussed and approved at the May meeting of the Illinois Branch a year ago. The committee on criminal statistics appointed since then, while of the opinion that the law is inadequate, believes that it should be given a thorough trial, and therefore gave its aid to the newly created bureau in framing a schedule. In this work the bureau and the committee were aided by Mr. John A. Koren of Boston and other experts.

Judge Clyde E. Stone, chairman of the committee on Juvenile Delinquents, discussed some defects in existing laws and for the committee advocated the passage of the legislation set out below:

Proposed amendment of Section 10, of an Act, entitled "An Act to regulate the treatment and control of Dependent, Neglected and Delinquent Children. Approved April 21, 1899. In force July 1, 1899." Hurd's Revised Statute, 1911, page 220.

When in any county having over 100,000 population, any male child under the age of seventeen years, or any female child under the age of eighteen years, is arrested, with or without a warrant, such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before the Circuit or County court or "Juvenile Court," as the case may be; or if the child is taken before a justice of the peace or a police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take the child before such court, and, in any case, such court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court on petition as herein provided. In any case, the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

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Said Section 10, as it is now enacted, is as follows:

Transfer from Justices and Police Magistrates.—When in any county where a court is held as provided in section 3 of this act, a male child under the age of seventeen years or a female child under the age of eighteen years is arrested with or without a warrant, such child may, instead of being taken before a justice of the peace or a police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or a police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take the child before such court, and, in any case, the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case, the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose. (As amended by act approved May 16, 1905. In force July 1, 1905.)

Proposed amendment of an Act, entitled, "An Act to provide for the punishment of persons responsible for or directly promoting, or contributing to, the conditions that render a child dependent, neglected, or delinquent, and to provide for suspension of sentence and release on probation in such cases. Approved May 13, 1905. In force July 1, 1905." Hurd's Revised Statute, 1911, page 761.

Be it enacted by the People of the State of Illinois represented in the General Assembly: In all cases where a child shall be a dependent, neglected or delinquent child as defined by any Statutes of this state, any person who shall knowingly, or wilfully encourage, aid, cause, abet or connive at, such state of dependency, neglect, or delinquency, or shall knowingly or wilfully do any act or acts that directly produce, promote, or contribute to the conditions which render such child a dependent, neglected or delinquent child, defined by any statute of this state, or who shall do any act or acts which manifestly tends to cause any child to become a delinquent child, as defined by any statute of this state, or who, having the custody of such child shall, when able to do so, wilfully neglect to do that which will directly tend to prevent such state of dependency, neglect, or delinquency, or to remove the conditions which render such child either a neglected, dependent or delinquent child, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two hundred dollars, or by imprisonment in the county jail, house of correction, or workhouse, for not more than twelve months, or both by such fine and imprisonment: Provided, that instead of imposing the punishment hereinbefore provided, the court shall have the power to enter an order suspending the sentence and releasing the defendant from custody, on probation, for the space of one year, upon his or her entering into a recognizance, with or without sureties, in such sums as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within a year, and shall provide and care for such dependent, neglected or delinquent child in such manner as to prevent a continuance or repetition of such state of dependency, neglect, or delinquency, or as otherwise may be directed by the court, and shall further comply with the terms of such order, then the recognizance shall be void, otherwise of full force and effect. If the court be satisfied, by information and due proof under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith revoke such order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall, at the end of such year, be discharged and such conviction shall become void.

The said Act, as it is now enacted, is as follows:

Be it enacted by the People of the State of Illinois represented in the General Assembly: In all cases where a child shall be a dependent, neglected, or delinquent child, as defined by

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the statutes of this state, or any other person who shall knowingly or wilfully encourage, aid, cause, abet, or connive at such state of dependency, neglect, or delinquency, or shall knowingly or wilfully do any act or acts that directly produce, promote, or contribute to, the conditions which render such child a dependent, neglected, or delinquent child as so defined, or who, having the custody of such child shall, when able to do so, wilfully neglect to do that which will directly tend to prevent such state of dependency, neglect or delinquency, or to remove the conditions which render such child either a neglected, dependent, or delinquent child, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two hundred dollars, or by imprisonment in the county jail, house of correction or workhouse, for not more than twelve months, or both by such fine and imprisonment: Provided, that instead of imposing the punishment hereinbefore provided, the court shall have the power to enter an order suspending the sentence and releasing the defendant from custody, on probation, for the space of one year, upon his or her entering into an recognizance, with or without sureties, in such sums as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within a year, and shall provide and care for such dependent, neglected, or delinquent child in such manner as to prevent a continuance or a repetition of such state of dependency, neglect, or delinquency, or as otherwise may be directed by the court, and shall further comply with the terms of such order, then the recognizance shall be void, otherwise of full force and effect. If the court be satisfied, by information and due proof under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith revoke such order and sentence him under the original conviction. Unless so sentenced, the defendant shall, at the end of such year, be discharged, and such conviction shall become void.

It was moved and carried that this proposed legislation be referred to the legislative committee. It may be added that the legislative committee has, since the April meeting, taken steps to have these two bills and two others recommended by the society introduced at the present session of the legislature.

C. A. Purdunn, chairman of the committee on indeterminate sentence, in reporting for the committee, praised the law very highly. However, he believed that the reformatory nature of an indeterminate sentence was largely nullified in many cases by the conduct of the state's attorneys who induce prisoners to plead guilty by representing that they will be released in eleven months. If the prisoner fails to be released, he feels that he has been tricked and his attitude is one of resentment toward the law.

In the absence of the chairman of the committee on industrial education for juveniles, Professor Robert H. Gault read the report of the committee. The committee found that several bills providing for the establishment of vocational schools in this state had already been drafted by various organizations. Several attempts were, therefore, made to find a common ground upon which all supporters of the movement could stand. To this end the committee appealed to the chairman of the legislative committee of this society, Col. Nathan William MacChesney, who

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called a general conference of representatives of all these organizations. Thirty-five representatives assembled and organized by selecting Colonel MacChesney as permanent chairman, and Robert H. Gault as secretary. After a general discussion, the meeting adopted a resolution presented by Professor Leavitt, chairman of the committee of this society, calling for a conference committee. Two meetings of this conference committee having failed of success, another general conference of all representatives was called by Judge Gemmill, president of this society. At this conference the following resolution was adopted: "Resolved, that any bill that may be presented to the legislature for the establishment of part-time vocational schools shall provide for compulsory attendance on the part of all persons up to the age of eighteen years who are engaged in gainful occupations. Such school attendance shall not be for less than six hours a week." At a final meeting of the committee of this society it seemed extremely doubtful that any of the already proposed legislation would be enacted at the present session of the legislature. As a possible means of obtaining what is of particular interest to this society, the committee, therefore, adopted the following resolutions:

1. That this society urge upon boards of education the establishment of bureaus for the study of minors who have left school, to the end that there may be brought about an improvement of moral, vocational and intellectual conditions.

2. That this society should urge the amendment of the truancy law so as to make it possible for truants up to the age of sixteen years to be sent to the parental school.

3. That legislation be enacted providing for bureaus of vocational guidance for all persons who are entitled to hold working certificates in cities of the first class.

The society passed a motion referring this proposed legislation to the legislative committee, which has since taken steps to have the necessary bills introduced.

The committee, on the adoption of a new constitution, recommended that the society adopt the uniform constitution approved by the national organization, fixing the dues at one dollar for membership in the Illinois branch alone and at two dollars and a half for membership in both state and national organizations. This recommended constitution was adopted.

Upon motion the president appointed the following committee on nomination of officers: Colonel Nathan William MacChesney, Judge O. A. Harker, Dr. A. J. Todd.

The society held its second session on the morning of Wednesday, April 9. Dr. William Healy, director of the Juvenile Psychopathic In-

stitute, read a paper on "Present day aims and methods in studying the offender. Some practical results." This paper will be published in the Journal. Dr. Harold N. Moyer, of Chicago, led the discussion. Dr. Moyer deplored our lack of efficiency in handling criminals and the lack of a scientific study of the problem. In his opinion no theory on criminology now existing is worth the paper it is written on. Our knowledge of the criminal problem is inadequate. The board of pardons has not sufficient knowledge of the past life of criminals upon whose cases they are called to act. He stated that in crimes of violence the United States occupies an unenviable position. Such crimes are more numerous here than in any other large and well civilized country. In only the Argentine Republic and Chile are they more numerous.

The second paper of the morning session was read by Dr. A. J. Todd, of the University of Illinois. His subject was a "Working Program for an adequate system of collecting criminal statistics in Illinois." It is published in the present issue of the Journal. Mr. A. L. Bowen, Secretary of the State Charities Commission, and Professor J. W. Garner, of the University of Illinois, led the discussion. Mr. Bowen discussed the difficulties involved in the practical problem of securing statistics of real worth, the question of the proper body to supervise the work of collecting them, and the plans of the newly created Bureau of Criminal Statistics. He explained how the legislation creating this bureau, endorsed by this society, had been obtained, and how the schedule of data had been prepared with the assistance of Mr. John Koren and the committee on criminal statistics of this society.

Professor Garner, in discussing Dr. Todd's paper, asserted that the need of an adequate system of collecting criminal statistics was no longer a matter of doubt. The chief matter of dispute now is as to what information should be and could be required. In his opinion this depended upon the use to be made of such statistics. He then discussed in detail the various possible abuses and inequalities which could be corrected by legislation. Mr. Garner doubted the advisability of seeking information in regard to the religion of criminals in a schedule of statistics as proposed in the schedule adopted by the bureau. In his opinion some data not asked for in the proposed schedule might well be added.

The last number on the program for the second session was "A statistical review of the work of the Supreme Court from 1900 to 1910," by Orrin N. Carter, Justice of the Supreme Court. It is a matter of some pride to the society and to our state that Illinois has the honor of being the first state to publish by authority of its court of last resort, a statistical review of its work, a publication largely due to the interest of Judge

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Carter and Judge William N. Gemmill. This statistical report is reviewed in the May issue of the Journal at page 139.

The last session of the meeting was held Wednesday afternoon, April 9. Professor Frederick Green of the College of Law of the University of Illinois read a paper entitled, "A brief review of the criminal cases in the Supreme Court for the past year." Professor Green's paper commented on the thirty criminal cases decided during the year of March 1, 1912, to March 1, 1913. Of the thirty convictions twenty, broadly speaking, were affirmed and ten reversed. Five of the reversals were murder cases. Each case was reviewed with comment or criticism. Professor Green's paper will be published later in the Journal. It is hoped that it may be possible to have each year a review of the work of the Supreme Court, giving praise where it is due and fearlessly criticising where criticism is deserved. Geo. B. Gillespie of the Springfield Bar, on the program to lead the discussion of Professor Green's paper, was unable to be present, but sent in a written statement.

At the close of the program of papers and talks, various matters were discussed, resolutions passed and other actions taken, which will not be mentioned in this brief abstract of the proceedings.

The list of officers elected for the ensuing year follows:

President—William N. Gemmill, Judge Municipal Court, Chicago.

Vice Presidents—George T. Page, of the Peoria Bar; Charles Richmond Henderson, Professor of Sociology, University of Chicago, Chicago.

Secretary—C. G. Vernier, Professor of Law, University of Illinois, Urbana.

Treasurer—Dr. A. J. Todd, University of Illinois, Urbana.

Executive Council—Oliver A. Harker, Chairman, Dean of the College of Law, University of Illinois, Champaign; Clyde E. Stone, Judge of the County Court, Peoria; Robert H. Gault, Editor of Journal of Criminal Law and Criminology and Associate Prof. of Psychology, Northwestern University, Evanston; E. A. Snively, Member Board of Pardons, Springfield; Nathan William MacChesney, of the Chicago Bar.